

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO.:5:93CR17-2-V**

**UNITED STATES OF AMERICA**

**vs.**

**DONALD EUGENE SMITH,  
Defendant.**

---

**ORDER**

**THIS MATTER** is before the Court on Defendant's Motion To Modify Term Of Imprisonment, filed December 7, 2006. (Document #1)

In his motion and attached exhibits, Defendant presents a compelling argument for a reduction of sentence based upon his wife's recent diagnosis with a terminal illness. However, there is no legal basis for granting the relief Defendant requests. Once sentence is imposed, the Court's judgment is final and can be amended only upon motion of the Government or the Bureau of Prisons, or if the sentence was imposed in error. As no motion from the Government or the Bureau of Prisons is currently before the Court, and because Defendant does not argue that his sentence was imposed in error, the Court is unable to modify Defendant's sentence.

**IT IS, THEREFORE, ORDERED** that Defendant's motion is hereby **DENIED**.

Signed: March 29, 2007



Richard L. Voorhees  
United States District Judge

